REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-29 are pending in the present application. Applicants seek to amend claims 1, 3, 5, 7-15, 18-23 and 26-27. Applicants have canceled claim 25 without prejudice or disclaimer. Applicants believe these amendments do not introduce new matter and respectfully request that their entry. Upon entry of these amendments, claims 1-24 and 26-29 are presented for reconsideration.

Applicants have provided corrected drawings for consideration or amended relevant portions of the specification in response to the objections to the drawings set forth in paragraphs 3-5 of the Office Action.

Applicants have corrected the specification in response to the rejection thereto set forth in paragraph 6 of the Office Action.

Applicants have amended the claims to overcome the objections thereto set forth in paragraph 7 of the Office Action.

Applicants have amended the claims to overcome the rejections thereto pursuant to 35 U.S.C. § 112, second paragraph set forth in paragraphs 8 and 9 of the Office Action.

Paragraph 10 of the Office Action rejects claims 1-4, 6-10 and 12-29 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,597,688 to Narasimhan *et al.* ("Narasimhan"). Applicants have amended the claims to overcome the rejection. As noted above, claims 25 has been canceled without prejudice of disclaimer, thereby rendering moot the rejection thereto.

Narasimhan discloses a system for delivering messages using a computer, phone or other

communication network. According to the disclosure, the system includes means for converting

files from one format to another for delivery using an outbound resource. (Narasimhan at 3:24-

4:3.) For example, according to Narasimhan, an email message can be delivered to an outbound

resource serving a fax machine. (Narasimhan at 4:4-5.) The outbound resource converts the

email message to a fax format and then delivers the message to the fax machine. (Narasimhan at

4:4-5.) Narasimhan further discloses that the outbound resource to use is the one to which a file

can be routed with the least cost using a RESOURCE_PROVIDER_RATE (described in

Narasimhan as "rate for a particular city (dollars per second), etc.") (Narasimhan at 3:20-25 and

Table 8). The least cost routing determination is made by checking all resources for those that

might be available and then sending the message using the outbound resource that provides the

least cost route. (Narasimhan at 7:20-23).

Applicants respectfully submit that the present invention differs substantially from the

system disclosed in Narasimhan. A system according to the present invention as embodied in

claim 1 determines "a plurality of conversion options for converting the file from the start data

state to the final data state ..., each conversion option capable of converting the input file from

the start data state to the final data state..." and further "determines a least cost conversion

option from the determined plurality of conversion options." Consequently, unlike the system

described in Narasimhan, the present invention as recited in claim 1 first determines a plurality

of options, each of which is capable of converting the file from the start state to the final state

and then choose from amongst those options for the least cost. That is, the present invention as

recited in claim 1, determines a plurality of beginning to end conversion options prior to

determining a least cost one of the conversion options. By first determining conversion options

that are capable of performing the requirement conversion, the present invention avoids time and

network bandwidth inefficiencies that would be associated with considering inadequate

conversion options.

Like claim 1, claims 7, 13, 18 and 23 have each been amended in a similar fashion to

claim 1 to include first determining a plurality of conversion options each of which is capable of

converting the file from a start data state to a final date state. For at least the reasons provided

above, Applicants believe these claims too and not anticipated by Narasimhan.

In addition, with respect to claims 2 and 8, the Office Action asserts that Narasimhan

discloses that the plurality of conversion options includes at least one "intermediate conversion."

(Narasimhan at 15:14-32). Applicants respectfully disagree. In embodiments of the present

invention, as for example claimed in claims 2 and 8, intermediate conversions can be used where

direct conversions are not available for converting a file from a first state to a second state. An

exemplary conversion employing intermediate conversions is described in the present

specification on page 15 beginning at line 6. The example illustrates a conversion from a BMP

format to an MP3 format, wherein no direct conversion from BMP to MP3 is available. To

accomplish the desired conversion, the file is converted first from BMP format to WAV format,

and then from WAV format to BMP format. The BMP to WAV and WAV to MP3 conversions

are examples of intermediate conversions.

Narasimhan, on the other hand, discloses no such intermediate conversions. Rather, in the portion identified in the Office Action (which is from the claims), conversions in addition to the one first claimed are included. That is, claim 1 discusses converting the input request message to a fax format, claim 8 adds second resources that convert an input request message to for playback to a telephone to the system recited in claim 1 and claim 9 adds second resources that convert an input request message for transmission over a paging terminal. Applicants respectfully assert that none of these additional conversions are in any way described as intermediate conversions that are provided in embodiments of the present invention.

Further with respect to claims 6 and 12, Applicants respectfully submit that Narasimhan does not in fact calculate dynamic costs including at least one of current CPU load, memory usage and file I/O. The Office Action points out RESOURCE_MAX_DIGITS as exemplary of such dynamic costs. RESOURCE_MAX_DIGITS is describe in Table 8 as the "Max number of digits allowed to be dialed." Applicants respectfully submit that the number of dialed digits is not at all relevant to the issue of dynamic costs associated with converting a file using a conversion engine.

With respect to claim 23, the Office Action asserts that table 8 of Narasimhan discloses a cost table having both static and dynamic costs. Applicants respectfully disagree. Contrary to the assertion in the Office Action, Applicants respectfully submit that the RESOURCE_PROVIDER_RATE is a static cost. Applicants respectfully submit that there is nothing in Narasimhan that suggests this rate is dependent upon dynamic considerations as described, for example, on page 14 of the present specification. Applicants respectfully submit

that the remaining elements of table 8 do not add dynamic costs. Consequently, Applicants

respectfully submit that table 8 discloses only one type of cost - a static cost - not both static and

dynamic cost data as recited in claim 23.

In light of the foregoing, Applicants respectfully request that the Examiner reconsider

and withdraw the rejection of claims 1, 7, 13, 18 and 23 and their respective dependent claims 2-

4, 6, 8-10, 12, 14-17, 19-24 and 26-29 as being anticipated under 35 U.S.C. § 102(e) by

Narasimhan.

Paragraph 13 of the Office Action rejects claims 5 and 11 under 35 U.S.C. 103(a) as

being unpatenable over Narasimhan. Applicants respectfully submit that, as described above,

Narasimhan does not use CPU usage or memory usage in any consideration of cost. Rather he

uses it solely to determine whether a resource is available. If it is not available, it is not used.

(Narasimhan at 13:3-5.) Accordingly, Applicants respectfully request that the Examiner

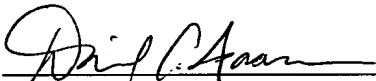reconsider and withdraw the rejection of claims 5 and 11.

In view of the foregoing all of the claims in this case are believed to be in condition for

allowance. Should the Examiner have any questions or determine that any further action is

desirable to place this application in even better condition for issue, the Examiner is encouraged

to telephone applicants' undersigned representative at the number listed below.

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Date: October 6, 2004

Respectfully submitted,

CAROLAN ET AL.

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Attachments:

DCI/src

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